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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/485,070      | 06/07/1995  | KURT W. GETREUER     | 37436.D-1           | 5214             |

22887 7590 05/28/2003

DISCOVISION ASSOCIATES  
INTELLECTUAL PROPERTY DEVELOPMENT  
2355 MAIN STREET, SUITE 200  
IRVINE, CA 92614

EXAMINER

DINH, TAN X

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2653

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|
|                    |             |                       |                     |

EXAMINER

ART UNIT PAPER NUMBER

49

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

Responsive to communication(s) filed on 12/09/02

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 2 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) \_\_\_\_\_ is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 17 - 71 is/are allowed.

Claim(s) \_\_\_\_\_ is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of Reference Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

Art Unit: 2653

1) The I.D.S filed 10/02/2000 (1 sheet), 3/14/2000 (1 sheet), 6/07/2000 (5 sheets) and 10/28/2002 (1 sheet) have been considered by the Examiner. However, the Japan and/or foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the Abstract ( in English ) and the drawings. Further, the I.D.S filed on 12/09/2002 does not include form PTO-1449. Applicant is required to submit this form PTO-1449 in next communication for consideration.

Form PTO-1449 is attached herein.

2) This application is in condition for allowance except for the following formal matters:

a) Due to unclear between the specification and the drawings, a substitute specification is required because The interlineations or cancellations made in the specification or amendments to the *claims/drawings* are so numerous that they could lead to confusion and mistake during the issue and printing processes.

See 37 C.F.R. § 1.125 and M.P.E.P. § 608.01(q).

The substitute specification filed under 37 CFR 1.125(a) and 37 CFR 1.125(b) must only contain subject matter from the *original specification* and any previously entered amendment under 37 CFR 1.121.

Art Unit: 2653

Further, the substitute specification must be accompanied by:

- i) a statement that the substitute specification contains *no new matter*, such statement must be a verified statement if made by a person not registered to practice before the Office; and
- ii) a *marked-up copy* showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

b) A complete set of the drawing must be submitted in next communication. The new set of the drawing must be consistent with the specification.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire *TWO MONTHS* from the mailing date of this letter.

3) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to TAN DINH whose telephone number is (703)308-4859. The examiner can normally be reached on Monday - Friday from 8:00AM to 5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703)872-9314.

Art Unit: 2653

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4750, or the customer service whose telephone number is (703)306-0377.



**TAN DINH**  
**PRIMARY EXAMINER**  
May 20, 2003